

Civil Procedure Code, 1908 (V of 1908) , S.47— Decision of complicated questions.

Per Bhagwati J. : There could be no objection to decide questions involving investigation of complicated facts or difficult questions of law in execution proceedings, as S. 47 authorises the Court executing the decree to decide all questions arising thereon and relating to execution of the decree.(Para 54) Per Das J.: If the executing Court can and, after the amendment of Order XXI, rule 16 by the deletion of the words “if that Court thinks fit”, must deal with complicated questions relating to transfer of decree by operation of statutory provisions which may be quite abstruse, I do not see why the executing Court may not apply its mind to the simple equitable principle which operates to transfer the beneficial interest in the after-acquired decree or to questions arising under section 146. Section 47 of the Code of Civil Procedure does require that the executing Court alone must determine all questions arising between the parties or their representatives and relating to the execution, , discharge or satisfaction of the decree and authorises it even to treat the proceedings as a suit.(

Read Here; [1955 PLRonline 0001 , Jugal Kishore Saraf v. Raw Cotton Co. Ltd.](#)